

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GRIESING LAW, LLC,  
Plaintiff,

v.

KLEINBARD LLC,  
Defendant.

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Civ. No. 22-3302

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**ORDER**

**AND NOW**, this 19th day of April, 2023, it is hereby **ORDERED** as follows:

1. A trial for the above-captioned case shall be held on **August 29, 2023, at 9:30 a.m.** in Courtroom 14A, United States District Court, 601 Market Street, Philadelphia, PA 19106;
2. A final pretrial conference is scheduled for **August 23, 2023, at 11:00 a.m.** in Room 14614, United States District Court, 601 Market Street, Philadelphia, PA 19106. **Lead Trial Counsel must attend.** It is the responsibility of any trial counsel who cannot attend to contact the Court as soon as any conflict becomes known so the Court may consider rescheduling the conference. Unless the Court has otherwise granted permission, whoever attends the final pretrial conference will try the case. In addition to each trial counsel, **each Plaintiff and Defendant or, in the case of a corporate Party, a representative with full authority to settle the case, shall attend.** Telephone availability is not acceptable unless leave of Court has been granted. Failure to comply with this order may result in sanctions in accordance with the Federal Rules of Civil Procedure.

As outlined below, all motions *in limine*, evidentiary motions, stipulations of facts, all depositions that will be introduced as testimony, and any and all other legal disputes that the Parties are aware of shall be due before the final pretrial conference so that they may be resolved before trial begins;

3. The Parties shall propound all interrogatories and requests for document production no later than **April 26, 2023**. The Parties shall respond to all written discovery requests no

later than **May 10, 2023**. THESE RESPONSES SHALL INCLUDE ALL INITIAL DISCLOSURES CONTEMPLATED BY RULE 26(a)(1). All discovery shall proceed and continue in such manner as will assure that all requests for, and responses to, discovery will be noticed, served, and completed no later than **May 26, 2023**;

4. The Parties may conduct discovery remotely at their discretion;
5. In accordance with Rule 1 and the conciliation requirements of Local Rule 26.1(f), Counsel shall make reasonable efforts to resolve discovery disputes among themselves in an expeditious and professional manner. Before bringing a discovery dispute to my attention, Counsel must certify that they have made a reasonable effort to resolve the dispute. Counsel shall bring any unresolved discovery disputes to my attention as soon as possible. Counsel shall email a brief letter describing the dispute to Chambers (Chambers\_of\_Judge\_Paul\_S\_Diamond@paed.uscourts.gov) and attach the disputed discovery request as an exhibit;
6. If a dispute arises during a deposition, I expect Counsel to phone Chambers during the deposition so that I can resolve the dispute immediately;
7. This matter is referred to United States Magistrate Judge Richard A. Lloret for a settlement conference on or about **June 2, 2023**. PLAINTIFF'S COUNSEL SHALL CONTACT DEFENDANTS' COUNSEL, AND THEN THE PARTIES SHALL JOINTLY CONTACT JUDGE LLORET'S CHAMBERS TO ARRANGE THIS CONFERENCE. If the Parties believe that a settlement conference would be helpful at an earlier time, they are directed to contact Judge Lloret to schedule the same. Judge Lloret will require that lead counsel and Parties with full settlement authority attend the conference;
8. Any summary judgment motion or other dispositive motion, together with supporting brief, shall be filed **no later than June 9, 2023**. Responses shall be filed **no later than June 23, 2023**;
9. Plaintiff shall propose stipulated facts and submit those proposed stipulated facts to Defendants **no later than July 24, 2023**. Defendants shall state agreement or disagreement with each of Plaintiff's proposed stipulated facts and may counter-propose stipulated facts

**no later than July 28, 2023**. Plaintiff is obligated to respond **no later than July 31, 2023**;

10. In accordance with Fed. R. Civ. P. 26(a)(3), listed exhibits shall be numbered and pre-marked for use at trial; no exhibit shall be listed unless it is already in the possession of opposing counsel. Only specifically listed exhibits may be used in the Party's case-in-chief except by leave of Court;
11. Counsel for each Party shall serve upon counsel for the other Party **no later than July 31, 2023**:
  - a. a copy of each exhibit they expect to offer at trial in furtherance of their respective contentions. Each exhibit shall be marked as it will be marked for trial;
  - b. curriculum vitae for each expert witness expected to testify; and
  - c. a specific identification of each discovery item expected to be offered into evidence;
12. Counsel shall also provide the Court with one copy of all of these items in a tabbed, three-ring binder, complete with table of contents, **no later than July 31, 2023**;
13. As to documents listed in accordance with Fed. R. Evid. 803(6), as amended, notice in accordance with Fed. R. Evid. 902 (11) or (12) must be given **no later than July 31, 2023**;
14. All witnesses as to liability and damages should be listed. Only listed witnesses may testify at trial except by leave of Court. Any Party who intends to use deposition testimony at trial must submit deposition designations by **July 24, 2023**. Counter-designations shall be submitted by **July 28, 2023**. Objections to the designations shall be submitted **no later than July 31, 2023**;
15. Any other pretrial or trial matter requiring attention of the judge prior to trial, shall be specifically addressed in the final pretrial conference;
16. All Parties shall prepare and file with the Clerk of the Court their pretrial memoranda by **August 7, 2023**;
17. All motions *in limine* shall be filed **no later than August 7, 2023**. Responses thereto are due **no later than August 14, 2023**;

18. **No later than August 7, 2023**, after meeting and conferring, the Parties shall jointly submit proposed jury *voir dire* questions, jury interrogatories, verdict sheets, and proposed jury instructions a tabbed, three-ring binder, complete with table of contents. The Parties shall individually submit any proposed questions, interrogatories, sheets, or instructions upon which the Parties after conferring cannot agree. All questions, interrogatories, sheets, and instructions shall be submitted in hard copy and on a flash drive to the Court;
19. **No later than August 14, 2023**, the Parties shall jointly submit to the Court a tabbed, three-ring binder, complete with table of contents, containing each of the following:
  - a. Answer;
  - b. Complaint;
  - c. Plaintiff's Pretrial Memorandum;
  - d. Defendants' Pretrial Memorandum;
  - e. Stipulated Facts;
  - f. Jointly Proposed Jury *Voir Dire* Questions (and any not agreed upon);
  - g. Jointly Proposed Jury Interrogatories (and any not agreed upon);
  - h. Jointly Proposed Jury Instructions (and any not agreed upon); and
  - i. Jointly Proposed Verdict Sheet; and
20. The Parties shall also provide the Court with an electronic copy of the above documents in Word format.
21. Third party Theron Perez's Motion for a protective order (Doc. No. 29), unopposed by Defendant, is **GRANTED**. Mr. Perez's deposition shall be postponed until May 26, 2023.
22. Because Defendant agrees with Mr. Perez's Motion (Doc. No. 29) and requests that Mr. Perez not be deposed until the Parties have fully exchanged discovery, Defendant's Motion to dismiss and for a protective order (Doc. No. 22) is **DENIED** without prejudice.
23. **No further extensions will be granted. Failure to comply may result in sanctions.**

**AND IT IS SO ORDERED.**

/s/ Paul S. Diamond

Paul S. Diamond, J.